

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MARY KAUPHUSMAN,)
)
Plaintiff,) **8:05CV245**
)
vs.) **ORDER**
)
HONG'S, INC., II, d/b/a China Buffet)
and HONG'S, INC.,)
)
Defendants.)

This matter is before the court on the defendants' motion for summary judgment (Filing No. 12). On March 15, 2006, the court entered an order holding the defendants' motion in abeyance with respect to the plaintiff's failure to exhaust administrative remedies and denying the motion in all other respects. **See** Filing No. 21. The court allowed the plaintiff an opportunity to amend the complaint with regard to exhaustion of administrative remedies. The plaintiff has filed an amended complaint in compliance with the March 15, 2006 order. **See** Filing No. 22. Accordingly, the defendants' motion for summary judgment will be denied.¹ Upon consideration,

IT IS ORDERED:

1. The defendants' motion for summary judgment (Filing No. 12) is denied.
2. Defendants shall have **to on or before April 14, 2006**, in which to respond to plaintiff's amended complaint.

DATED this 27th day of March, 2006.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge

¹ The court renders no opinion regarding the merits of the claims alleged in the amended complaint or arguments not raised by the defendants in the November 17, 2005 motion for summary judgment.